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Patent Application
Attorney Docket No. PC11724E US

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By



(Signature of person faxing)
Madeline Devman

(Typed or printed name of person)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Zheng J. Li, *et al.*

Examiner: Peselev, Elli

APPLICATION NO.: 10/652,655

Group Art Unit: 1623

FILING DATE: August 28, 2003

TITLE: CRYSTAL FORMS OF AZITHROMYCIN

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

The owner, Pfizer Inc., of 100 % interest in the instant application hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the patents issued from its co-pending applications U.S.S. No. 10/327,459 filed on December 20, 2002, U.S.S. No. 11/190,393, filed on August 23, 2005, U.S.S. No. 10/355,575, filed on January 31, 2003 and U.S.S. No. 10/327,383, filed on December 20, 2002, are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the patents issued from its co-pending applications U.S.S. No. 10/327,459 filed on December 20, 2002, U.S.S. No.

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11/190,393, filed on August 23, 2005, U.S.S. No. 10/355,575, filed on January 31, 2003 and U.S.S. No. 10/327,383, filed on December 20, 2002 as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Authorization is hereby provided to charge the Terminal disclaimer fee under 37 CFR 1.20(d) and any additional fees due, or to credit any overpayments to Account Number 16-1445. Two copies of this paper are enclosed.

Respectfully submitted,

Date: 09/06/05

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